

DAVIS+GILBERT LLP

1675 Broadway
New York, NY 10019
T: (212) 468-4800

Hearing Date: October 18, 2023

Objection Date: August 7, 2023

Reply Date: September 21, 2023

Attorneys for Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

NATIXIS FINANCIAL PRODUCTS LLC and
BLOOM ASSET HOLDINGS FUND,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 23-01017 (CGM)

NOTICE OF DEFENDANTS' MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss in the above-captioned action, the Declaration of Joseph Cioffi and exhibits thereto, and all prior pleadings and proceedings herein, Defendants Natixis Financial Products LLC and Bloom Asset Holdings Fund (collectively, "Defendants") will move this Court on October 18, 2023, at 10:00 a.m. (EST), or as soon thereafter as counsel may be heard, for an order dismissing the Complaint (ECF No. 1) filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered on March 13, 2023 (ECF No. 5), any oppositions to Defendants' Motion to Dismiss shall be filed by August 7, 2023, and any reply in further support of Defendants' Motion to Dismiss shall be filed by September 21, 2023.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: May 22, 2023
New York, New York

DAVIS+GILBERT LLP

By: /s/ Joseph Cioffi

Joseph Cioffi
Bruce M. Ginsberg
H. Seiji Newman
Adam M. Levy
Christine DeVito
1675 Broadway
New York, NY 10019
T: (212) 468-4800
jcioffi@dglaw.com
bginsberg@dglaw.com
hsnewman@dglaw.com
alevy@dglaw.com
cdevito@dglaw.com

Attorneys for Defendants